

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: March 19, 1999
TIME: 9:00 a.m.
PLACE: Board Room, Kalanimoku Bldg.

Chairperson Timothy E. Johns called the meeting of the Commission on Water Resource Management to order at 9:09 a. m.

The following were in attendance:

MEMBERS: Mr. Timothy Johns
Mr. Richard Cox
Mr. Herbert Richards, Jr.
Dr. Bruce Anderson
Mr. Robert Giral

EXECUSED: Mr. David Nobriga

STAFF: Mr. Edwin Sakoda
Mr. Roy Hardy
Mr. Eric Hirano
Ms. Lenore Nakama
Mr. Dean Nakano
Mr. Glenn Bauer
Mr. David Higa
Mr. Dean Uyeno
Mr. Ryan Imata
Ms. Faith Ching

COUNSEL: Ms. Linnel Nishioka

OTHERS:

Barry Hill
Ben Shimizu
Joe Livingood

Garrick Iwamuro
Manabu Tagomori
Wayne Nakamoto

Dan Lum
Felix Limtiaco

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

AGENDA 11. **Minutes of the February 17, 1999 meeting**

Mr. Ed Sakoda made a correction to the minutes. On page 5 of the minutes, Item 6 A, add after Natural Resources Conservation Service “the Windward Oahu Soil and Water Conservation District”. Commissioner Nobriga stated at that meeting that that should be the agency that they should work through.

MOTION: (Richards/Cox)

To approve the minutes as amended.

UNANIMOUSLY APPROVED AS AMENDED.

2. **Old Business/Announcements**

Mr. Ed Sakoda stated that a meeting with the Reuse Champions was held and we are asking the City and U.S. Filter to give a 15 to 30-minute briefing for the Commission. The Department of Health and the Board of Water Supply will also attend to answer any questions.

3. **The minutes for the October 22, 1998 Commission meeting, Item 12, (approved November 6, 1998) were corrected to establish action on the following interim water use permits:**

EXTENSION OF INTERIM WATER USE PERMITS, Puuloa and Kapolei Ground Water Management Areas, Oahu

(Well Nos. 1905-08, 10), The Estate of James Campbell

(Well Nos. 2003-04, 07), State of Hawaii, Housing Finance & Development Corp.

(Well Nos. 2003-01, 02, 05), Kapolei People's Inc.

(Well Nos. 1900-02, 17 to 20 & 1901-03), Hawaii Prince Golf Club

(Well No. 2001-03), City and County of Honolulu, Department of Parks and Recreation

(Well Nos. 2001-04, 09, 10), Gentry Development Co.

(Well No. 2001-05), Ewa by Gentry Community Association

(Well No. 2001-07), The Arbors Association

(Well No. 2001-08), Palm Villas II Association

(Well No. 2002-12), Palm Court Association

(Well Nos. 1902-05, 2001-13, 2002-15, 17, 18), Coral Creek Golf, Inc.

(Well No. 1902-01), Haseko (Ewa), Inc.

(Well No. 1900-23), U.S. DOC/NOAA/National Weather Service

PRESENTATION: Lenore Nakama

MOTION: (Cox/Richards)

To approve the minutes of the October 22, 1998 meeting as amended.

UNANIMOUSLY APPROVED AS AMENDED.

4. **Cooperative Agreement with U.S. Geological Survey for Statewide Hydrologic Data Collection and Water Resource Investigations for Fiscal Year (FY) 1999**

PRESENTATION OF SUBMITTAL: Mr. Eric Hirano

STAFF RECOMMENDATION:

That the Commission approve the subject cooperative agreement between the Commission and the U.S. Geological Survey, and authorize the Chairperson to execute the appropriate documents.

Final contract execution shall be contingent upon receiving the Governor's approval in accordance with Executive Memorandum No. 98-04.

Chairperson Johns asked about several reports that are still outstanding from U.S.G.S. He directed that all outstanding reports be delivered before we move on to additional agreements with U.S.G.S. He also asked that staff work with U.S.G.S. on the accessibility of the Kahe Point Monitor Well.

MOTION: (Cox/Richards)
To approve the submittal.
UNANIMOUSLY APPROVED.

5. **Puu Makakilo, Inc. REVOCATION OF WATER USE PERMIT, Makakilo GC Wells, Well Nos. 1904-02 & 03 (WUP Nos. 162 & 247), Kapolei Ground Water Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

STAFF RECOMMENDATION:

That the Commission:

1. Revoke WUP Nos. 162 and 247.

Ms. Nakama made notes of typographical errors in the submittal. In the title of the submittal, the WUP No. should be "247" and not "347". The same number change is also required in the second paragraph under Background. The WUP No. should be "247" and not "347".

MOTION: (Cox/Girald)
To approve the submittal as amended.
UNANIMOUSLY APPROVED AS AMENDED.

6. Housing & Community Development Corporation of Hawaii, APPLICATION FOR WATER USE PERMIT, East Kapolei Well (Well No. 2003-08), TMK 9-1-16:108, Future Irrigation and Dust Control Use for 0.500 mgd, Kapolei Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

STAFF RECOMMENDATION:

That the Commission:

1. Approve the issuance of an interim water use permit to the Housing & Community Development Corporation of Hawaii for the reasonable and beneficial use of 236,600 gallons per day of brackish water for North-South Roadway (TMK 9-1-16:109) landscape irrigation and dust control and nursery and park irrigation (TMK 9-1-16:108 (por)) from the East Kapolei Well (Well No. 2003-08), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
 - a. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
 - b. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
 - c. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride.
 - d. The duration of the interim permit shall be
 - a) to July, 2001, or
 - b) until treated wastewater is available and acceptable for use, or
 - c) until such time that a significant change in permitted, actual, or projected uses or water supply occurs.
 - e. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.
 - f. Require adherence to the chloride sampling protocol (Exhibit 6) and the submittal of weekly chloride data.
 - g. Require adherence to the Conservation Conditions (Exhibit 7).
2. Defer action on the proposed use of 262,000 gpd for the Sports Complex for six (6) months. If documentation from the Land Use Commission confirming the

reclassification of TMK 9-1-16:108(por) from the Agricultural to the Urban District is not submitted to the Commission within six (6) months from the date of this submittal, then this portion of the application shall be deemed denied without prejudice upon expiration of the six-month deferral period.

TESTIMONY BY APPLICANT:

Wayne Nakamoto, Assistant Project Coordinator for the HCDCH stated that when wastewater is available, they are planning to convert to the wastewater system. Prior to last year, they drew on a potable water system from the Board of Water Supply and converted it to nonpotable water from the Ewa Caprock System and have plans that when wastewater is available they plan to convert from the nonpotable water system to reuse water.

MOTION: (Richards/Cox)
To approve the submittal.
UNANIMOUSLY APPROVED.

7. **Revisions to Hawaii Well Construction and Pump Installation Standards**

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

That the Commission adopt the proposed revisions to the Hawaii Well Construction and Pump Installation Standards as indicated in Attachment A.

Dr. Anderson stated that if the Commission is going through any substantive changes in the rules, we should be going through Chapter 91 process, public participation efforts.

Chairperson Johns stated that we would need an attorney general's opinion if the changes would comply with the current rules.

Deputy Attorney General Nishioka stated that she needed time to look at some documents and cases and do research.

MOTION: (Johns/Richards)
To defer.
UNANIMOUSLY APPROVED TO DEFER.

8. **Declaratory Ruling No. DEC-ADM99-S8, STREAM CLEARING ACTIVITIES FOR THE CITY & COUNTY OF HONOLULU**

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

STAFF RECOMMENDATION:

That the Commission adopt Declaratory Ruling No. DEC-ADM99-S8, STREAM CLEARING ACTIVITIES FOR THE CITY & COUNTY OF HONOLULU as amended to apply only to work done by the City and County of Honolulu as follows:

- A. Stream channel alteration permits are not required for activities listed in Part A.
- B. The Chairperson may approve stream channel alteration permits for stream clearing activities that may affect instream uses, but meet the flowing criteria:
 1. The stream channel alteration permit application must contain the following:
 - a. A copy of the Clean Water Act, Section 404 permit from the U. S. Army Corps of Engineers, and the Clean Water Act, Section 401 Water Quality Certification and Best Management Practices Plan from the Department of Health. In the event that the project is not subject to these sections of the Clean Water Act the applicant shall submit written documentation from the Corps of Engineers citing the exemption.
 - b. Clean Water Act Section 402 (NPDES) permit if applicable.
 - c. Written description of the scope of work including:
 - 1) A location map showing affected stream reach. Cross section(s) showing typical contours of the before and after removal of material. Photographs.
 - 2) Amount of material to be removed.
 - 3) Method of clearing including a description of the types of equipment to be used.
 - 4) Location and practice of spoils disposal.
 - 5) Frequency of clearing time required for each clearing.
 - 6) Written concurrence from the State Historic Preservation Division and the Division of Aquatic Resources that the work may proceed.
 2. Must not alter stream diversion works or interim instream flow standard.
 3. The amount of material to be removed is less than 500 cubic yards and will take less than 2 weeks to complete the work.

4. Clearing activity does not include the placement or removal of any structures in the stream.
5. Clearing must not be after-the-fact.
6. Clearing must not be in violation of any other applicable Federal, State, or County permits.
7. Must not restrict access to property.
8. Must not be subject to a Special Management Area Permit (HRS, Chapter 205A).
9. Chairperson approved SCAPs are subject to the following conditions:
 - a. Standard Chairperson Approved SCAP Conditions (Exhibit 3).
 - b. Special conditions may be added by the Chairperson including but not limited to:
 - 1) Requiring the applicant to produce a Best Management Practice Plan acceptable to the Department of Health.;
 - 2) Requiring the applicant to notify the State Historic Preservation Division on start of clearing activities.
 - c. The permit will be valid as long as the Commission does not revoke the permit or until the Commission amends this Declaratory Ruling.

MOTION: (Richards/Girald)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

10. **Other Business**

Mr. Eric Hirano distributed and explained an update of proposed legislation for 1999 that involves CWRM.

Mr. Hirano informed the Commission that a nominating committee has been formed for the selection of new Commission members for Commissioners Richards and Cox's positions. Their terms are expiring June 30, 1999.

EXECUTIVE SESSION

Chairperson Johns asked that a motion be made to go into executive session to approve minutes and to discuss personnel matters.

MOTION: (Richards/Cox)

To go into executive session to approve minutes and to discuss personnel matters.

UNANIMOUSLY APPROVED.

Adjournment (Richards/Cox). Chairperson Johns adjourned the meeting at 2:52 pm after calling a recess at 2:51 pm from the Public Hearing for Water Use Permit Application for the Waiahole Ditch System, Pearl Harbor and Windward Sectors, Oahu.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

EDWIN T. SAKODA
Acting Deputy Director